IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.6178 of 2004
With
Civil Application No.252 of 2005

C.Sathish Simon & ors. Petitioners
Vs.
The Minister of State for
Co-operation, Government of
Maharashtra & ors. Respondents

Mr.Abhay D. Parab for petitioners.
Ms.V.S.Mhaispurkar, AGP for Resp.Nos.1 to 3 & 6.
Mr.M.D.Chavan for Resp.No.5.
Mr.Amar Ranu - Resp.No.4 in person.

CORAM: B.H.MARLAPALLE,J.

July 11, 2006.

P.C.

. Heard the learned counsel for the petitioners and the learned AGP who appears for Resp.Nos.1 to 3 and 6. Mr.M.D.Chavan appears for Resp.No.5 and Resp. No. 4 - Mr.Amar Ranu appears in person.

. The petitioners are the office bearers of Powai Cosmopolitan Co-operative Housing Society Ltd. registered under the Maharashtra Co-operative Societies Act, 1960 and they were elected as the members of the Managing Committee on or about 13/7/2002. Under the old bye-laws the tenure of the Managing Committee was for three years and, therefore, the term of the Managing Committee would

have expired on 12/7/2005. However, it appears that the present respondent no.4 - Mr.Amar Ranu filed a complaint on 18/10/2003 with the Deputy Registrar, Co-operative Societies, MHADA stating that after the Managing Committee was elected, the members had not executed bonds in Form No.M-20 and as such they were not entitled to continue as Managing Committee members. The respondent no.4 had, therefore, prayed for appointment of the administrator by dissolving the Managing Committee. The Deputy Registrar, who is impleaded as respondent no.3, passed an order on 27/1/2004 and superseded the Managing Committee by appointing an Administrator of the said Society. This order came to be challenged before the Divisional Joint Registrar in an appeal and the same was dismissed on 5/5/2004. It appears that subsequently the petitioners approached the State Government by way of a revision application under Section 154 of the Maharashtra Co-operative Societies Act, 1960 and the said revision has been rejected on 14/7/2004. Hence this petition.

. In any case the elections to the Managing Committee of the Respondent No.5-Society are over due and the Society has about 112 members. The

Respondent No.4 in his complaint to the Respondent No.3 had raised some other issues which are not germane to the decision in this petition which mainly impugns the order of supersession of the Managing Committee and appointment of the administrator. The administrator cannot continue indefinitely and in fact it becomes his obligation to ensure that the fresh elections are held at the earliest possible and the newly elected Managing Committee is put in charge of the affairs of the Society.

. Ms.Mhaispurkar, the learned AGP on instructions states that the Deputy Registrar has decided to appoint an election officer to hold fresh elections for the formation of the Managing Committee of the Respondent No.5-Society and such an order is likely to be passed by tomorrow. This Court has been further assured that the election officer will be called upon to hold and complete the election process within a period of three months.

. In these obtaining circumstances, the petition is disposed off by directing the Respondent No.3 to ensure that the fresh elections to the Managing Committee of the Respondent No.5-Society are

completed as expeditiously as possible and preferably within a period of three months from today and the new Managing Committee so elected will be handed over the charge by the present body. The election programme will be declared by the officer concerned within two weeks from today.

. It is made clear that in case respondent no.4 has any other grievance, he may agitate the same before the competent authorities.

. Civil Application No.252 of 2005 stands disposed off.

(B.H.MARLAPALLE,J.)